

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

DAREX, LLC,

Case No.: 1:20-cv-2239-MC

Plaintiff,

v.

PERMANENT INJUNCTION

67 HARDWARE, INC.

Defendant.

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THIS MATTER COMES before the Court on a Proposed Permanent Injunction submitted by Plaintiff Darex, LLC (“Darex” or “Plaintiff”) pursuant to this Court’s Order Granting Plaintiff’s Motion for Default Judgment. ECF No. 21. Having reviewed the Proposed Permanent Injunction submitted by Plaintiff and being otherwise duly and fully advised in the premises thereof, the Court hereby ORDERS and ADJUDGES as follows:

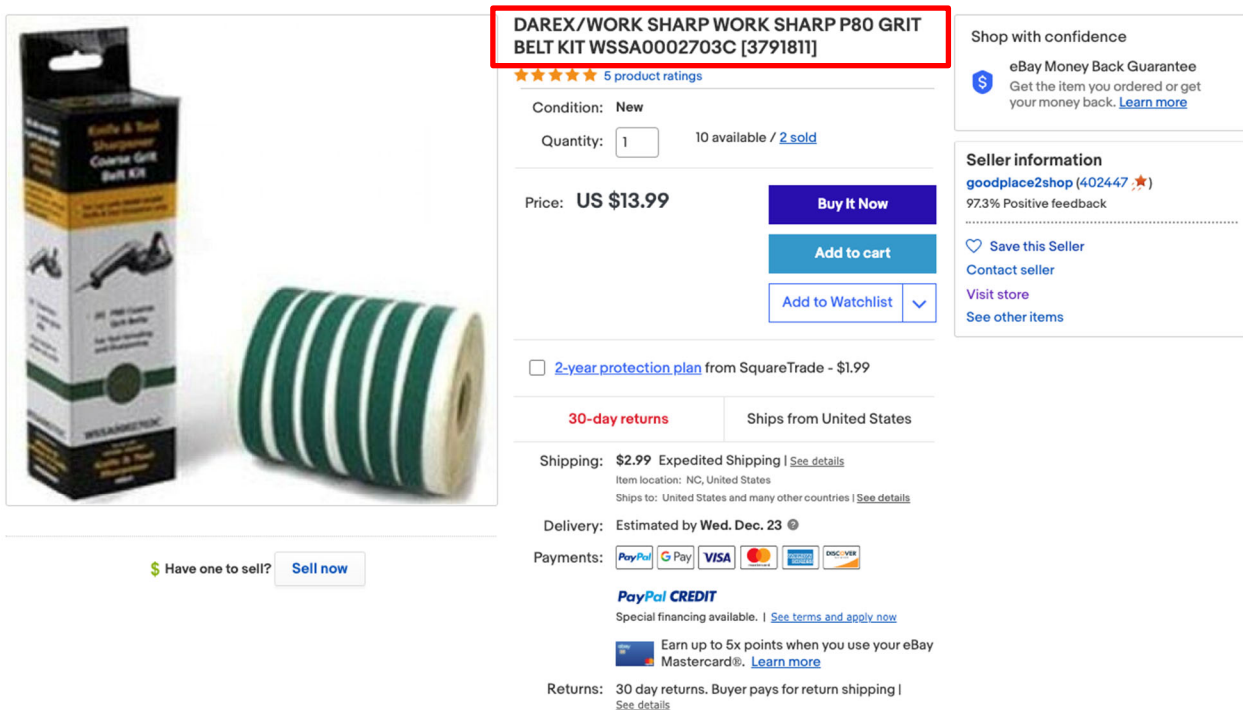
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Plaintiff Darex, LLC is a limited liability company organized and existing under the laws of the State of Oregon with a principal place of business at 210 E Hersey St, Ashland, OR 97520.
2. 67 Hardware Inc. (“67 Hardware”) is a corporation organized and existing under the laws of the State of North Carolina with a principal place of business at 1824 NC Highway 67, Jonesville, NC 28642, and doing business on eBay at “goodplace2shop.”
3. The Court has subject matter jurisdiction over the dispute that is the subject of this Permanent Injunction.
4. The Court has personal jurisdiction over the Defendant 67 Hardware.

5. Venue is proper in this Court.

6. Darex is the owner of the DRILL DOCTOR trademarks with United States Trademark Registration Nos. 2,083,587 (the “587 Trademark”) and 6,077,987 (the “987 Trademark”) and the WORK SHARP trademarks with United States Trademark Registration Nos. 3,407,215 (the “215 Trademark”); 4,026,814 (the “814 Trademark”); and 6,077,986 (the “986 Trademark”) (collectively, the “Darex Trademarks”).

7. 67 Hardware has used the WORK SHARP Trademarks in a way that is confusing and misleading to customers.



**DAREX/WORK SHARP WORK SHARP P80 GRIT BELT KIT WSSA0002703C [3791811]**

★★★★★ 5 product ratings

Condition: New

Quantity:  10 available / 2 sold

Price: US \$13.99

[Buy It Now](#)

[Add to cart](#)

[Add to Watchlist](#)

☐ [2-year protection plan](#) from SquareTrade - \$1.99

**30-day returns** Ships from United States

Shipping: \$2.99 Expedited Shipping | [See details](#)  
Item location: NC, United States  
Ships to: United States and many other countries | [See details](#)

Delivery: Estimated by **Wed. Dec. 23**

Payments: [PayPal](#) [Google Pay](#) [VISA](#) [Mastercard](#) [Discover](#)

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Returns: 30 day returns. Buyer pays for return shipping | [See details](#)

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**Seller information**  
**goodplace2shop** (402447) ★  
97.3% Positive feedback

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8. 67 Hardware has used the DRILL DOCTOR Trademarks in a way that is confusing and misleading to customers.

Description Shipping and payments Report item

Seller assumes all responsibility for this listing. eBay item number: 311824334320

Last updated on Nov 15, 2020 11:00:18 PST [View all revisions](#)

**Item specifics**

Condition:	New: A brand-new, unused, unopened, undamaged item in its original packaging (where packaging is ... <a href="#">Read more</a> )	Brand:	Drill Doctor
Model:	3791811	MPN:	WSSA0002703C
UPC:	662949038652		

**Good Place 2 Shop**  
goodplace2shop (402447) 97.3%

Search within store

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[KNIVES & ACCESORIES](#) | [HOUSEWARES](#) | [GATE OPENERS & ACCESSORIES](#) | [LAWN AND GARDEN](#) | [PLUMBING](#)

9. Darex obtained U.S. copyright registration (Registration Number: VA 2-223-777 (“777 Copyright”) for the product image shown below. Darex is the owner of the ’777 Copyright.




10. Darex obtained U.S. copyright registration (Registration Number: VA 2-217-313 (“313 Copyright”) for the product image shown below. Darex is the owner of the ’313 Copyright.



11. Darex obtained U.S. copyright registration (Registration Number: VA 2-223-798 (“’798 Copyright”) for the product images shown below. Darex is the owner of the ’798 Copyright.



12. Defendant made and used unauthorized reproductions of Darex's original works, which are the subject of the '777 Copyright, the '313 Copyright, and the '798 Copyright (collectively, the "Darex Copyrights") as shown below:



**Darex Work Sharp WSGFS221 Guided Field Sharpener 2.2.1 with Five Abrasive Steps**  
 ★★★★★ 268 product ratings

Condition: New  
 Quantity:  More than 10 available  
 1,866 sold / [See feedback](#)

Price: US \$25.49

[Buy It Now](#)  
[Add to cart](#)  
[Add to Watchlist](#)

☐ [2-year protection plan](#) from SquareTrade - \$1.99

100% buyer satisfaction  
 1,866 sold  
 More than 95% sold

Shipping: FREE Expedited Shipping | [See details](#)  
 Item location: NC, United States  
 Ships to: United States and many other countries | [See details](#)

Delivery: Estimated by Wed. Dec. 23 @

Payments: [PayPal](#) [G Pay](#) [VISA](#) [MasterCard](#) [Discover](#) [eCheck](#)

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 97.3% Positive feedback

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**WORK SHARP Combo Knife Sharpener WSCMB ELECTRIC OR MANUAL NEW SALE**  
 ★★★★★ 57 product ratings

Condition: New  
 Quantity:  More than 10 available

Price: US \$58.99

[Buy It Now](#)  
[Add to cart](#)  
[Add to Watchlist](#)

Free shipping 30-day returns Ships from United States

Shipping: FREE Expedited Shipping | [See details](#)  
 Item location: nc, United States  
 Ships to: United States and many other countries | [See details](#)

Delivery: Estimated between Tue. Dec. 22 and Wed. Dec. 23 @

Payments: [PayPal](#) [G Pay](#) [VISA](#) [MasterCard](#) [Discover](#) [eCheck](#)

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Have one to sell? [Sell now](#)

**NEW Work Sharp WSKTS-KO Knife & Tool Sharpener KEN ONION EDITION SALE WKS03894**

12 viewed per day ★★★★★ 345 product ratings

Condition: **New**

Quantity:  More than 10 available / 6 sold

Price: **US \$137.95**

[No interest if paid in full in 6 mo on \\$99+\\*](#)

[Buy It Now](#)

[Add to cart](#)

[Add to Watchlist](#)

**Free shipping** 30-day returns Ships from United States

Shipping: **FREE** Standard Shipping | [See details](#)

Item location: NORTH CAROLINA, United States

Ships to: United States and many other countries | [See details](#)

Delivery: Estimated by Thu, Dec. 24

Payments: [PayPal](#) [G Pay](#) [VISA](#) [Mastercard](#) [Discover](#)

**PayPal CREDIT**

\*No interest if paid in full in 6 months on \$99+. | [See terms and apply now](#)

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**Seller information**

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97.3% Positive feedback

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## FINDINGS ON PERMANENT INJUNCTION

13. Darex has prevailed on the merits of its claims for trademark infringement and copyright infringement.

14. Darex has suffered and will continue to suffer irreparable harm by reason of the

Defendant's continued infringement of the Darex Trademarks and Darex Copyrights.

15. The balance of hardships and public policy favor the issuance of a permanent injunction in favor of Darex. A permanent injunction will not adversely affect the public interest.

**PERMANENT INJUNCTION**

16. Defendant, its officers, agents, servants, employees, and all persons acting in active concert or participation with it who receives actual notice of this injunction by personal service or otherwise, are hereby permanently enjoined as follows:

a. Defendant is enjoined from using any of the Darex Trademarks including DRILL DOCTOR or WORK SHARP or any confusingly similar mark in connection with any product, packaging, product listing, domain name, business name, or any other form of product identification; and

b. Defendant is enjoined from producing, reproducing, distributing, copying, or using any graphic or pictorial representation protected by any copyright owned by Darex or any substantially similar variation thereof in connection with any product, packaging, product listing, or any other product sale.

17. The Court shall maintain jurisdiction over this action for purposes of enforcement of this Permanent Injunction.

IT IS SO ORDERED.

DATED this 6th day of October, 2021.

/s/ Michael McShane  
Michael J. McShane  
United States District Judge